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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,227	08/21/2001	Allen Chang	10010241-1	8156

7590 08/25/2004
 HEWLETT-PACKARD COMPANY
 Intellectual Property Administration
 P.O. Box 272400
 Fort Collins, CO 80527-2400

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,227

Applicant(s)

CHANG, ALLEN

Examiner

Olisa Anwah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 10, 11, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chmaytelli et al, U.S. Patent No. 6,542,729 (hereinafter Chmaytelli) in view of Qua et al, U.S. Patent No. 6,222,909 (hereinafter Qua).

Regarding claim 1, Chmaytelli discloses a computer-implemented method for providing access to functions of a portable information appliance (see Figure 1), comprising:

while the portable information appliance is operating in a configuration mode, converting input signals from a microphone to a first data set representing a voice of an authorized user and storing the first data set in the portable information appliance (col. 5, lines 5-15); and

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while the portable information appliance is operating in a standby mode, converting input signals from the microphone to a second data set representing sound detected at the microphone, and if the first data set matches the second data set, providing access to functions of the portable information appliance (col. 8, lines 15-45);

automatically placing the portable information appliance into an operations mode if the first data set matches the second data set (col. 5, lines 5-15 and col. 8, lines 15-45).

Chmaytelli does not teach while the portable information appliance is operating in the operations mode, converting input signals from the microphone to a third data set representing sound detected at the microphone; comparing the third data set to each of a plurality of recorder-command sets, wherein each of the recorder-command sets is associated with a sound recorder function performed by the portable information appliance and performing the sound recorder function associated with a recorder-command data set that matches the third data set. However Qua discloses these limitations (see abstract and column 7). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chmaytelli with the third data set taught by Qua. This

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modification permits a user to record audio information in an efficient manner as suggested by Qua (see abstract).

Regarding claim 5, see Figure 2A of Chmaytelli.

Claim 10 is rejected for the same reasons as claim 1.

Claim 11 is rejected for the same reasons as claim 10.

Claim 14 is rejected for the same reasons as claim 11.

Claim 15 is rejected for the same reasons as claim 14.

3. Claims 6, 12 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli combined with Qua in further view of Irvin, U.S. Patent No. 6,195,568 (hereinafter Irvin).

Regarding claim 6, the combination of Chmaytelli and Qua does not explicitly disclose while the portable information appliance is operating in the configuration mode, converting input signals from a microphone to a plurality of first data sets representing voices of a plurality of authorized users and storing the plurality of first data sets in the portable information appliance and if any of the plurality of first data sets matches the second data set, providing access to functions of the portable information appliance. However Irvin discloses these limitations (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Chmaytelli-Qua combo with the

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portable information appliance taught by Irvin. This modification would allow a plurality of end users to use a single telephone as suggested by Chmaytelli and Irvin.

Regarding claim 12, Chmaytelli combined with Qua fails to teach the biometric module includes a fingerprint-sensing pad adapted to convert the input signals into a data set representing biometric characteristic of the authorized user. However Irvin discloses this limitation (see column 6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Chmaytelli and Qua with the biometric module taught by Irvin. This modification allows a user to be authenticated using various biometric modules as suggested by Irvin.

Regarding claim 13, the Chmaytelli-Qua combo fails to teach the biometric module includes a retinal-scanning device adapted to convert the input signals into a data set representing biometric characteristic of the authorized user. However Irvin discloses this limitation (see column 6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of

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Chmaytelli and Qua with the biometric module taught by Irvin.

This modification allows a user to be authenticated using various biometric modules as suggested by Irvin

4. Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli combined with Qua in further view of Jeoung, U.S. Patent Application Publication No. 2001/0003097 (hereinafter Jeoung).

Regarding claim 8, the combination of Chmaytelli and Qua does not teach entering a program-button mode in response to a selected user input signal while the portable information appliance is operating in the operations mode; associating a user-specified set of functions with a user-selected programmable button while the portable information appliance is operating in the program-button mode; and performing the set of user-specified functions with a programmable button in response to a user selection of the programmable button while the portable information appliance is operating in the operations mode. However Jeoung discloses these limitations (see abstract and Figure 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Chmaytelli and Qua with the program-button mode taught by Jeoung. This modification allows a

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user to initiate particular functions by a single key stroke as suggested by Jeoung (paragraph 0027).

5. Claim 7 is rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli combined with Qua in further view of Gabou et al, U.S. Patent No. 6,583,714 (hereinafter Gabou).

Regarding claim 7, the combination of Chmaytelli and Qua does not explicitly disclose automatically placing the portable information appliance in the standby mode when power is initially applied to the appliance. However Gabou discloses this limitation (see columns 3 and 4), Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Chmaytelli-Qua combo with the standby mode taught by Gabou. This modification conserves power as suggested by Gabou.

6. Claim 4 is rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli combined with Qua in further view of Kenagy et al, U.S. Patent No. 6,449,492 (hereinafter Kenagy).

Regarding claim 4, the combination of Chmaytelli and Qua fails to teach automatically returning the portable information appliance to the standby mode after a selected period of inactivity. However Kenagy discloses this limitation (see

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columns 4 and 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Chmaytelli-Qua combo with the method of returning taught by Kenagy. This modification prevents inadvertent commands from a manual input device from initiating system operation as suggested by Kenagy (column 2).

7. Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Chmaytelli and Qua combined with Kenagy in further view of Guterman, U.S. Patent Application Publication No. 2003/0008690 (hereinafter Guterman).

The combination of Chmaytelli, Qua and Kenagy does not teach automatically placing the appliance in a power saving mode after a second selected period of inactivity. However Guterman discloses this limitation (paragraph 0006). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Chmaytelli, Qua and Kenagy with the power saving mode taught by Guterman. This modification increases the time between battery charges as suggested by Guterman (paragraph 0003).

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Response to Amendment

8. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OK.

Olisa Anwah
Patent Examiner
August 9, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

